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& TRADEA		Application Number	08/480,472	
TRANSMITTAL		Filing Date	June 6, 1995	
FORM		First Named Inventor	Sherrol McDonough	· ·
		Art Unit	1635	*
(to be used for all correspondence after initia	al filing)	Examiner Name	Marschel, A.	
		Attamas Daalat Niveshar		

Total No	Number of Pages in This Subn	mission 4	13		- Docket Hamber	GP034-03	.DV1	<i></i>	
			ENCLO	JSUI	RES (Check a	II that apply	)		
	ee Transmittal Form			awing ensing	(s) g-related Papers			After Allowance Communication to TC  Appeal Communication to Board of Appeals and Interferences	
Amendment/Reply After Final Affidavits/declaration(s)  Extension of Time Request Express Abandonment Request Information Disclosure Statement  Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53			Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on CD Remarks			Address	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  Proprietary Information  Status Letter  Other Enclosure(s) (please Identify below):  2 Copies of Cited References (24 pgs.); Form PTO/SB/08 in duplicate (8 pgs.); and Form PTO-1449 in duplicate (6 pgs.).		
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Date January 19, 2005						Reg. No.	40,93	7	
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Charles B. Cappellar

Typed or printed name

Date

January 19, 2005

PTO/SB/17 (10-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE to a collection of information unless it displays a valid OMB control number. Under the Paperwork Reduction Act of 1995, no person Complete if Known FEE TRANSMIT 08/480,472 Application Number for FY 2005 Filing Date June 6, 1995 Sherrol McDonough First Named Inventor Effective 10/01/2004. Patent fees are subject to annual revision. Marschel, A. **Examiner Name** Applicant claims small entity status. See 37 CFR 1.27 Art Unit 1631 (\$) 180.00 TOTAL AMOUNT OF PAYMENT GP034-03.DV1 Attorney Docket No.

METHOD OF PAYMENT (check all that apply)	Ply) FEE CALCULATION (continued)					
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Number Deposit Con Broke Incorporated	1052	50	2052		Surcharge - late provisional filing fee or	-
Account Name Gen-Probe Incorporated					cover sheet	
The Director is authorized to: (check all that apply)	1053	130	1053		Non-English specification  For filing a request for ex parte reexamination	
Charge fee(s) indicated below Credit any overpayments	1812 1804	920*	1812 2 1804	-,	Requesting publication of SIR prior to	
Charge any additional fee(s) or any underpayment of fee(s)	1004	920	1004	920	Examiner action	
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FEE CALCULATION	1251	110	2251	55	Extension for reply within first month	
1. BASIC FILING FEE	1252	430	2252	215	Extension for reply within second month	
Large Entity Small Entity	1253	980	2253	490	Extension for reply within third month	
Fee Fee Fee Fee <u>Fee Description</u> Fee Paid Code (\$)	1254	1,530	2254	765	Extension for reply within fourth month	
1001 790 2001 395 Utility filing fee	1255	2,080	2255	1,040	Extension for reply within fifth month	
1002 350 2002 175 Design filing fee	1401	340	2401	170	Notice of Appeal	
1003 550 2003 275 Plant filing fee	1402	340	2402	170	Filing a brief in support of an appeal	
1004 790 2004 395 Reissue filing fee	1403	300	2403	150	Request for oral hearing	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
SUBTOTAL (1) (\$)	1452	110	2452	55	Petition to revive - unavoidable	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453	1,330	2453	665	Petition to revive - unintentional	
Fee from	1501	1,370	2501	685	Utility issue fee (or reissue)	
Extra Claims below Fee Paid  Total Claims -20** = X = X	1502	490	2502	245	Design issue fee	
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	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	100.00
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Code (\$)	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1201 88 2201 44 Independent claims in excess of 3	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1203 300 2203 150 Multiple dependent claim, if not paid	1810	790	2810	395	For each additional invention to be	
1204 88 2204 44 ** Reissue independent claims over original patent	1801	790	2801	395	examined (37 CFR 1.129(b))  Request for Continued Examination (RCE)	
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802	900	1802	900	Request for expedited examination of a design application	
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Registration No.

(Attorney/Agent)

40,937

Telephone 858 410-8927

January 19, 2005

Date

Name (Print/Type)

Signature

Charles B. Carrellari

## ITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Group Art Unit: 1631
McDONOUGH et al.	)	Examiner: Marschel, A.
Serial No. 08/480,472	)	Atty. Docket No. GP034-03.DV1
Filed: June 6, 1995	)	Confirmation No. 9286
For: NUCLEIC ACID SEQUENCE	)	

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the enclosed Form PTO/SB/08 and Form PTO-1449 from sister application Serial No. 08/479,105 (two copies of each) for consideration in connection with the examination of the above-identified application. A copy of each identified reference which was not previously cited during the prosecution of ancestor application Serial Nos. 07/855,732 and 08/345,861 is enclosed herewith.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(c) more than three months from the filing date of the instant application and after the mailing date of a first Office action on the merits but before the mailing date of either a final action or notice of allowance.

Please charge the fee due under 37 C.F.R. § 1.17(p) to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Serial No. 08/480,472 Atty. Docket No. GP034-03.DV1

**IDS** 

نعابه والأثمر

Applicants respectfully request that the Examiner indicate consideration of the cited references by returning copies of the enclosed Forms PTO/SB/08 and PTO-1449 with the Examiner's initials or other appropriate marks.

## **Certificate of Mailing**

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Respectfully submitted,

Dated: January 19, 2005

By:

Charles B. Cappellari Registration No. 40,937

Attorney for Applicants

**GEN-PROBE INCORPORATED** 

Patent Department 10210 Genetic Center Drive San Diego, California 92121

PH: (858) 410-8927 FAX:(858) 410-8928

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Sheet 1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of 4

(Use as many sheets as necessary)

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Application Number	08/480,472	***
Filing Date	June 6, 1995	
First Named Inventor	Sherrol McDonough	
Art Unit	1631	
Examiner Name	Marschel, A.	
Attorney Docket Number	GP034-03.DV1	

			U. S. PATEN	T DOCUMENTS		
Examiner Initials*	Cite No.1	Document Number Publication Date MM-DD-YYYY  Number-Kind Code <sup>2 (f known)</sup>		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		<sup>US-</sup> 5,130,238	07-14-1992	Malek		
		<sup>US-</sup> 5,399,491	03-21-1995	Kacian et al.		
		<sup>US-</sup> 5,908,744	06-01-1999	McAllister et al.		
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		WO-A-88 03957	06-02-1988	Gen-Probe Inc.		
		WO-A-93 04201	03-04-1993	Amoco Corp.		
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language

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			ANDER	Application Number	08/480,472		
INF	ORMATION	DIS	CLOSURE	Filing Date	June 6, 1995		
STATEMENT BY APPLICANT				First Named Inventor Sherrol McDonough			
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Sheet	2	of	4	Attorney Docket Number	GP034-03.DV1		

Examiner	Cite	NON PATENT LITERATURE DOCUMENTS  Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of	
Initials*	No.1	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Brewer, et al., "Mechanistic Independence of Avian Myeloblastosis Virus DNA Polymerase and Ribonuclease H," Dec. 1974, J. Virol., 14(6):1494-1502, ASM, USA.	
		Champoux, et al., "Mechanism of RNA Primer Removal by the RNase H Activity of Avian Myeloblastosis Virus Reverse Transcriptase," Mar. 1984, J. Virol., 49(3):686-691, ASM, USA.	
		Collett, et al., "In Vitro Transcription of 70S RNA by the RNA-Directed DNA Polymerase of Rouse Sarcoma Virus: Lack of Influence by RNAse H," Jan. 1976, J. Virol. 17(1):291-5, PMID: 54443, ASM, USA.	
		Crouch, R.J., "Ribonuclease H: from discovery to 3D structure," Sep. 1990, New Biol., 2(9):771-7, PMID: 2177653.	
		Day, R., "How to Write and Publish a Scientific Paper," 2nd Ed., Philadelphia: ISI Press, 1983, p.170.	
		Fahy, et al., "Self-sustained sequence replication (3SR): an isothermal transcription-based amplification system alternative to PCR," Aug. 1991, PCR Methods Appl., 1(1):25-33, PMID: 1842917.	
		Grandgenett, et al., "Different Mode of Action of Ribonuclease H in Purified alpha and alpha beta Ribonucleic Acid-Directed Deoxyribonucleic Acid Polymerase from Avian Myeloblastosis Virus" Aug. 25, 1974, J. Biol. Chem., 249(16):5148-5152, USA.	
		Kacian, et. al., "Synthesis of extensive, possibly complete, DNA copies of poliovirus RNA in high yields and at high specific activities," July1976, Proc. Natl. Acad. Sci., 73(7):2191-2195, USA.	
		Kacian, et al., "Anticomplementary nature of smaller DNA produced during synthesis of extensive DNA copies of poliovirus RNA," October 1976, Proc. Natl. Acad. Sci., 73(10):3408-3412, USA.	
		Keller, et al., "Degradation of DNA RNA Hybrids by Ribonuclease H and DNA Polymerase of Cellular and Viral Origin," November 1972, Proc. Natl. Acad. Sci. 69(11):3360-3364, USA.	

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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Marschel, A.

GP034-03.DV1

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Attorney Docket Number

**Examiner Name** 

(Use as many sheets as necessary)

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NON PATENT LITERATURE DOCUMENTS Examiner Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of  $\mathsf{T}^2$ the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue Initials\* No. number(s), publisher, city and/or country where published. Maniatis, et al., Molecular Cloning, 1982, Cold Spring Harbor, N.Y.: Cold Spring Harbor Press, pp. 128, 213-214. Marcus, et al., "Reverse Transcriptase-Associated RNAse H Activity II. Inhibition by Natural and Synthetic RNA," Sept. 1978, J. Virol. 27(3):576-581, ASM, USA. Modak, et al., "Specific Inhibition of DNA Polymerase-Associated RNAse H by DNA," Apr. 1977, J. Virol., 22(1):243-246, ASM, USA. Moelling, K., "Characterization of reverse transcriptase and RNase H from friend-murine leukemia virus," Nov. 1974, Virology, 62(1):46-59, PMID: 4138103. Myers, et al., "RNA primer used in synthesis of anticomplementary DNA by reverse transcriptase of avian myeloblastosis virus," March 1980, Proc. Natl. Acad. Sci., 77(3) 1316-1320, USA. Myers, et al., "Sodium pyrophosphate inhibition of RNA-DNA hybrid degradation by reverse transcriptase," Nov. 1978, Proc. Natl. Acad. Sci., 75(11):5329-5333, USA. Myers, et al., "Synthesis of full-length DNA copies of avian myeloblastosis virus RNA in high yields," July 1977, Proc. Natl. Acad. Sci., 74(7):2840-2843, USA. Resnick, et al., "Involvement of Retrovirus Reverse Transcriptase-Associated RNAse H in Initiation of Strong Stop (+) DNA Synthesis and the Generation of the Long Terminal Repeat," Sept. 1984, J. Virol. 51(3):813-821, ASM, USA. Rogall, et al., "Differentiation of Mycobacterium species by direct sequencing of amplified DNA," Sept. 1990, J. Gen. Microbiol., 136(Pt. 9):1915-1920, PMID: 2283506. Srivastava, et al., "Reverse transcriptase-associated RNase H. Part IV. Pyrophosphate does not inhibit RNase H activity of AMV DNA polymerase," Dec. 14, 1979, Biochem. Biophys. Res. Commun., 91(3):892-899, PMID:

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Examiner	Date		
Signature	Considered		

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08B (08-03)
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				Application Number	08/480,472		
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Sheet	4	of	4	Attorney Docket Number	GP034-03.DV1		

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Wintersberger, U., "Ribonucleases H of retroviral and cellular origin," 1990, Pharmacol. Ther., 48(2):259-280 PMID: 1963496.	
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
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Information Disclosure Statement - Section 9 PTO-1449

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LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

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APPLICANT:

Diane L. McAllister et al.

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